

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ESPIRITU SANTO HOLDINGS, LP,

Petitioner,

-against-

L1BERO PARTNERS, LP,

and

ESPIRITU SANTO TECHNOLOGIES, LLC

Respondents.

Civil Action No. 19-cv-03930

**DECLARATION OF EDUARDO AMERENA MINVIELLE**

I, Eduardo Amerena Minvielle, hereby declare, under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am a name partner in Amerena Abogados, a law firm in Mexico City. I have personal knowledge of the facts and circumstances set forth in this Declaration, and as to those statements for which I do not have personal knowledge, I make my declaration on information and belief after a good faith investigation. I submit this declaration in further support of Respondents' opposition to ES Holdings' Emergency Motion for Preliminary Injunction and Temporary Restraining Order In Aid of Arbitration.

2. In my role as counsel to Servicios Administrativos Lusad, S. de R.L. de C.V. and Servicios Digitales Lusad, S. de R.L. de C.V. ("Lusad"), I have personal knowledge of four *related* criminal proceedings that are currently ongoing in Mexico against Petitioner Espiritu Santos Holding LP's principals Mr. Santiago León Aveleyra and/or Mr. Eduardo Zayas Dueñas. I also have personal knowledge of *non-related* prior and on-going criminal proceedings involving Mr.

Eduardo Zayas Dueñas and Mr. Santiago León Aveleyra, as well as at least one arrest warrant that was executed in 2016 against Mr. Eduardo Zayas Dueñas in relation to a forgery.

3. Regarding the related criminal proceedings, in the criminal file CI-FMH/MH-3/UI-1 S/D/00749/12-2018, Messrs. Eduardo Zayas Dueñas, Santiago León Aveleyra, Eduardo Herrera de Juana, and Filiberto Hinojosa García, are under state investigation for allegedly conspiring to steal, and for stealing, two computers owned by Servicios Administrativos Lusad, S. de R.L. de C.V. (a subsidiary of Servicios Digitales Lusad, S. de R.L. de C.V.), which contained confidential and proprietary information belonging to Lusad as well as personal information that belonged to the employees that were assigned said computers. *See Exhibit 1* (true and correct copy of excerpts of criminal file CI-FMH/MH-3/UI-1 S/D/00749/12-2018 including photographs of theft of computers from the premises of Lusad). As part of the investigation, the Assistant District Attorney received information from the District Attorney's Central Office linking Petitioner's principals Mr. Eduardo Zayas Dueñas to seven other criminal investigations and Mr. Santiago León Aveleyra to two additional criminal investigations. After analyzing the underlying facts the Assistant District Attorney in charge of this matter has found probable cause to proceed against Mr. Zayas. *See Exhibit 2* (true and correct copy of Request of Court to hold a hearing presenting Mr. Zayas with the charges before him after the finding of probable cause).

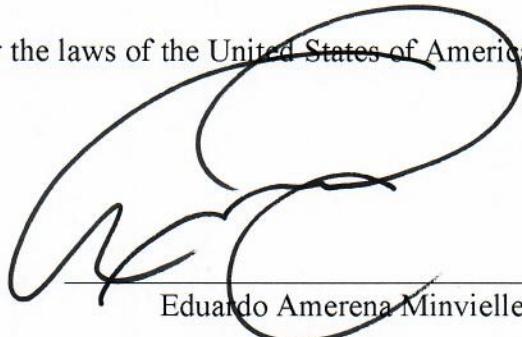
4. In the criminal file CI-FMH/MH-4/UI-2 S/D/00598/02-2019, Mr. Eduardo Zayas Dueñas is under state investigation for allegedly producing forged documents as part of the above-mentioned criminal investigation CI-FMH/MH-3/UI-1 S/D/00749/12-2018. Evidence is currently being collected by the assistant district attorney overseeing this matter. *See Exhibit 3* (true and correct copy of excerpts of criminal file CI-FMH/MH-4/UI-2 S/D/00598/02-2019).

5. In the criminal file CI-FMH/MH-4/UI-3 S/D/01013/03-2019, there is an ongoing investigation regarding a death threat to Mr. Fabio Massimo Covarrubias Piffer's, who is the principal of Respondents Libero Partners LP and Espiritu Santo Technologies, LLC. The death threat consisted of a funeral wreath with Mr. Covarrubias' name that was delivered in the middle of the night to his residence in Mexico City. *See Exhibit 4* (true and correct copy of excerpts of criminal file CI-FMH/MH-4/UI-3 S/D/01013/03-2019 including photographs). This wreath was delivered to Mr. Covarrubias Piffer in the days after the conflict between the Parties became heated, after Lusad filed civil lawsuits against the Petitioner's principals, Mr. León and Mr. Zayas. Mr. Covarrubias Piffer stated to investigators that the only enmity acknowledged in his immediate circle was with Petitioner's principals, Messrs. Zayas and León.

6. In the criminal file CI-FMH/MH-4/UI-2 S/D/01484/04-2019, Mr. Eduardo Zayas Dueñas is under investigation for allegedly forging Servicios Digitales Lusad, S. de R.L. de C.V.'s board meeting minutes around March 6, 2019 and submitting them as part of an administrative procedure in Mexico City. In addition, Mr. Dueñas is being investigated for using this doctored information in a civil proceeding initiated by Lusad against Petitioner's principals. *See Exhibit 5* (true and correct copy of excerpts of criminal file CI-FMH/MH-4/UI-2 S/D/01484/04-2019).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 10, 2019



Eduardo Amerena Minvielle